

### **REMARKS**

Claims 1-33 were pending prior to entering this amendment. Claims 1-11 and 28-33 were allowed. Claims 13 and 14 were indicated as containing allowable subject matter. Claims 2, 4, and 6-8 were objected to on the basis of claim numbering. Claims 12-27 were rejected. Claims 12, 13, and 23-27 have been amended. In light of the claim numbering objection, claims 2, 4, and 6-8 have been cancelled and the subject matter of these cancelled claims has been added by way of newly added claims 34-38. Applicant requests reconsideration and allowance of the present application.

#### **Allowed claims**

Claims 1-11 and 28-33 were allowed.

Applicant notes that the allowed claims are allowable for additional reasons besides the reasons stated in the Examiner's reasons for allowance.

#### **Allowable subject matter**

Claims 13 and 14 were indicated as having allowable subject matter.

Applicant acknowledges the allowable subject matter.

#### **Claim Objections**

Claims 2, 4, and 6-8 were objected to on the basis of claim numbering.

Claims 2, 4, and 6-8 have been cancelled and the subject matter of these cancelled claims has been added by way of new claims 34-38. Thus, the objection is moot.

#### **Claim Rejections Under 35 U.S.C. § 112**

The examiner rejects claims 23-27 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.

Applicant traverses the rejection for at least the reason that the claimed subject matter is described in reference to FIG. 2. However, in the interest of expediting prosecution claims 23-27 have been amended to make the rejection moot.

### **Claim Rejections Under 35 U.S.C. § 103**

The examiner rejects claims 12-22 under 35 U.S.C. § 103(a) as being unpatentable over Ishizuka (U.S. Patent 5,262,873).

Applicant traverses the rejection because Ishizuka fails to teach at least the feature of “said means for obtaining a first correction digital signal configured to scan a first correction document during black correction, to extract only a plurality of last bits of the first correction digital signal”, which is acknowledge in the Office Action. *See* the Office Action page 5, second paragraph, last sentence. Because the Office Action acknowledges that this feature is absent, the Office Action is apparently relying on Official Notice under MPEP 2144.03 for the existence of this feature. *See* the Office Action, page 6, first paragraph. Applicant challenges this assertion for the reasons described in the next paragraph.

Applicant traverses the Official Notice because the feature “said means for obtaining a first correction digital signal configured to scan a first correction document during black correction, to extract only a plurality of last bits of the first correction digital signal” is not the type of feature that is capable of instant and unquestionable demonstration by being well known; therefore, Official Notice is inappropriate for this feature. *See* 2144.03, paragraph A. This feature is not capable of instant and unquestionable demonstration of being well known for at least the reason that Ishizuka explicitly describes dark signals and indicates that *all bits* of dark signal is stored in memory. *See* col. 6, lines 30-55. In light of Ishizuka discussing dark signals, and explicitly teaching away from this feature, the existence of this feature cannot be said to be capable of instant and unquestionable demonstration of being well known.

Even if this feature were established to be well-known (which it is not according to the evidence of record), the Office Action does not provide any reasoning why one would have modified Ishizuka to include this feature. Even if the Office Action had provided a *prima facie* case of obviousness, Applicant would traverse any such motivation provided because Ishizuka teaches away from modification with this feature by indicating that the entire dark signal is stored in the memory. *See* col. 6. Therefore, it would have been unobvious to store only a portion of the dark signal, let alone the portion comprising last bits.

Although the obviousness rejection against claim 12 is improper for the many reasons explained above, in the interest of expediting prosecution claim 12 has been amended according

to the Examiner's reasons for allowance of claims 12-22. Thus, claim 12 should be allowed. Claims 13-22, being dependent, include the same features as claim 12 and thus should be allowed for at least the same reason.

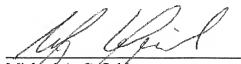
### **Conclusion**

For the foregoing reasons, reconsideration and allowance of the application as amended is requested. The examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

**Customer No. 73552**

Respectfully submitted,

STOLOWITZ FORD COWGER LLP

  
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Michael A. Cowfield  
Reg. No. 54,630

STOLOWITZ FORD COWGER LLP  
621 SW Morrison Street, Suite 600  
Portland, OR 97205  
(503) 224-2170